

**CITY COUNCIL MEETING
CITY OF WATERTOWN
October 17, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City staff present: Jim Mills, Ken Mix, Elliott Nelson, Gary Pilon, Mike Lumbis, Amy Pastuf

The City Manager presented the following reports to Council:

- Approving “Basic Building Blocks for a Comprehensive Plan” Workshop on October 19, 2011 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement
- Approving Supplemental Appropriation No. 2 For Fiscal Year 2010-11 for Various Accounts
- Approving the Agreement Between The City of Watertown and Loomacres Wildlife Management to Establish and Administer a Winter Crow Roost Dispersal Program
- Approving the Site Plan Submitted by Patrick Currier of Aubertine & Currier on Behalf of First Church of the Nazarene for the Construction of a 31-space Parking Lot Expansion Located at 535 Thompson Boulevard, Parcel 12-13-117.009
- Approving the Site Plan submitted by Patrick Currier of Aubertine & Currier on Behalf of the Morgia Group for the Construction of a 3,490 Square Foot Office Building and Parking Lot at 151 Mullin Street, Parcel 10-15-115
- Rejecting the Bid for the Marble Street Park Prefabricated Restroom Facility
- Approving Change Order No. 1 to Agreement, D² Dewatering Services, Inc., Dredging of Black River Coagulation Basin

- Approving Agreement for the Provision for the Sale of Water Service Between the City of Watertown and the Town of Hounsfield Water Districts No. 2, 5, and 6
- Approving Lease Agreement, 250-270 State Street, State Street Parking Lot
- Finding That the Adoption of Local Law No. 3 of 2011 Amending Section 2 of the Watertown City Charter Re-Describing the Boundaries of the City of Watertown Will Not Have a Significant Impact on the Environment
- Local Law No. 3 of 2011 - Amending Section 2 of the Watertown City Charter Re-Describing the Boundaries of the City of Watertown
- Board and Commission Appointments
- Fence Zoning Amendment

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of October 3, 2011 and the adjourned meeting of October 6, 2011 were dispensed and accepted as written by motion of Council Member Jeffrey M. Smith seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

The following claims against the City were received.

From David Caulkins, 424B Jewell Drive, for expenses incurred after his vehicle ran over a series of pot holes on Barben Avenue.

From Patrick H. Grutter, 152 Breen Ave, for replacement costs of his lawnmower due to damage incurred from running over a water main cover.

Above claims have been referred to the Board of Audit.

A letter was received from SG Gates, 157 Dorsey St, asking City Council to reconsider allocating land for the construction of a City Dog Park.

Mayor Graham asked for a copy to be distributed to each Council Member.

Above communication was placed on file in the office of the City Clerk.

A letter along with a check in the amount of \$17,476.96 was received in the City Clerk's office from Attorney Andrew Capone on behalf of his client Alex D. Rahmi. This amount represents the amount of outstanding taxes due at the end of his redemption period. This was to serve as an offer to purchase the property located at 138 Court Street, Parcel No. 07-01-126.000.

The letter and check was delivered to the City Comptroller. A copy of the letter was placed on file in the office of the City Clerk.

PRESENTATIONS

Mayor Graham presented Richard Berman, Sons of Union Veterans of the Civil War, with the First Citizen's Award and Coin. This organization has been raising money for the rehabilitation of the Soldiers and Sailors monument on Public Square.

Mayor Graham also thanked Mr. Michael Lumbis for his participation in the Soldiers and Sailors Monument project.

PRIVILEGE OF THE FLOOR

Ethel Tucker, Superior Street, addressed the chair to express her concerns with the parking problem at the Flower Memorial Library. She stated that she has lived in the City for 30 years and is impressed with the Library, especially the SUNY ATTAIN lab. In addition, she commended the staff at the library and stated that the City of Watertown should be proud of the library. She indicated that parking is very difficult, in particular on Farmers' Market day and this needs to be addressed. She suggested offering a shuttle from the JB Wise parking lot for individuals attending the Farmers' Market.

Mayor Graham stated that this would be brought to the attention of the Library Board.

George Waite, Ives Street, addressed the chair to state that the SUNY ATTAIN Lab at the Flower Memorial Library was a valuable resource to the community. He has attended many computer classes through the lab. This includes Basic Computers, Internet Training, Microsoft Word, Microsoft PowerPoint and Microsoft Excel. He stated that Jamie Lee and Mari Ellen Ryan are wonderful teachers and the ATTAIN Lab is an asset to the community.

Andrew Capone, Capone Law Firm, LLP, addressed Council to point out that a letter was attached to the check presented to the City Clerk and this was to represent an offer, on behalf of

his client Alex D. Rahmi, to purchase the property located at 138 Court Street, Parcel No. 07-01-126.000.

Mayor Graham informed him that this would be addressed under New Business.

SG Gates, 157 Dorsey Street, addressed Council to discuss the possibility of the construction of a Dog Park in light of the recent dog incident at the Farmers' Market. He reviewed his past efforts to institute a Dog Park within the City. He stated that Dog Parks are wonderful places to socialize dogs which help in their training. He suggested that socialization of this dog may have prevented the Farmers' Market situation. He would like to offer an alternative for dogs. He is willing to discuss this further with any of the Council Members.

Mayor Graham reminded Mr. Gates that to move forward, a Council Member would need to ask for a resolution to be drawn. He mentioned that Mr. Gates could have private conversations with Council Members to try and find someone to sponsor his effort. Mayor Graham also asked that copies of Mr. Gates' letter be distributed to Council Members.

Steve Weed, 406 Weldon Street, informed Council that he has been approached four different times in regards to the microphone issue. He reviewed the history of the microphones used in the past and stated that Council now has state of the art microphones. He advised that the microphones need to be spoken into directly. He also mentioned that the current microphones have privacy switches which can be turned on and off. He reiterated that Council has the proper equipment and everyone should be heard as long as they are used correctly.

PUBLIC HEARING

At 7:30 P.M. Mayor Graham asked the City Clerk to read the Notice of Public Hearing concerning the Local Law No. 3 of 2011 - Amending Section 2 of the Watertown City Charter Re-Describing the Boundaries of the City of Watertown.

Mayor Graham declared the hearing open at 7:42 P.M.

No one addressed the chair during the Public Hearing.

Mayor Graham declared the hearing closed at 7:42 P.M.

RESOLUTIONS

Introduced by Council Member Roxanne M. Burns

WHEREAS Chapter 662 of the New York State Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet their training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, New York State Tug Hill Commission and the Center for Community Studies at JCC are co-sponsoring a workshop entitled “Basic Building Blocks for a Comprehensive Plan” for local planning officials on October 19, 2011 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the “Basic Building Blocks for a Comprehensive Plan” workshop is approved to provide two hours of training toward meeting the New York State municipal planning and zoning officials’ training requirement

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea

Introduced by Council Member Roxanne M. Burns

RESOLVED by the City Council of the City of Watertown, New York that the total amount of \$604,450 is hereby transferred and appropriated from and to the following accounts of the listed funds for FY 2010-11 for the reasons shown:

| <u>GENERAL FUND</u> | | | | | <u>Increase</u> | |
|---------------------|------|-----|---------------------|------------------------|-----------------|---------------------------|
| A | 1230 | 450 | MUNICIPAL EXECUTIVE | Miscellaneous | \$ 1,100 | Under appropriated |
| A | 1230 | 460 | MUNICIPAL EXECUTIVE | Materials and Supplies | \$ 150 | Under appropriated |
| A | 1315 | 110 | COMPTROLLER | Salaries | \$ 100 | Under appropriated |
| A | 1315 | 150 | COMPTROLLER | Overtime | \$ 1,725 | Under appropriated |
| A | 1345 | 110 | PURCHASING | Salaries | \$ 5,725 | Under appropriated |
| A | 1345 | 830 | PURCHASING | Social Security | \$ 350 | Under appropriated |
| A | 1362 | 430 | TAX ADVERTISING | Contracted Services | \$ 4,125 | Under appropriated |
| A | 1410 | 430 | CLERK | Contracted Services | \$ 250 | Under appropriated |
| A | 1410 | 450 | CLERK | Miscellaneous | \$ 300 | Under appropriated |
| A | 1420 | 440 | LAW | Fees, Non-employee | \$ 4,375 | Under appropriated |
| A | 1420 | 450 | LAW | Miscellaneous | \$ 425 | Under appropriated |
| A | 1440 | 150 | ENGINEERING | Overtime | \$ 100 | Under appropriated |
| A | 1440 | 250 | ENGINEERING | Other Equipment | \$ 11,475 | No original appropriation |
| A | 1440 | 410 | ENGINEERING | Utilities | \$ 100 | Under appropriated |
| A | 1440 | 460 | ENGINEERING | Materials and Supplies | \$ 1,500 | Under appropriated |

| | | | | | | | |
|---|------|-----|----------------------------|------------------------|----|--------|--------------------------------------|
| A | 1490 | 440 | PUBLIC WORKS ADMIN | Fees, Non-employee | \$ | 275 | Under appropriated |
| A | 1490 | 465 | PUBLIC WORKS ADMIN | Equipment < \$5,000 | \$ | 300 | Under appropriated |
| A | 1490 | 840 | PUBLIC WORKS ADMIN | Workers' Compensation | \$ | 400 | Under appropriated |
| A | 1620 | 150 | MUNICIPAL BUILDINGS | Overtime | \$ | 250 | Under appropriated |
| A | 1640 | 130 | CENTRAL GARAGE | Wages | \$ | 450 | Under appropriated |
| A | 1640 | 455 | CENTRAL GARAGE | Vehicle Expense | \$ | 300 | Under appropriated |
| A | 1640 | 465 | CENTRAL GARAGE | Equipment < \$5,000 | \$ | 250 | Under appropriated |
| A | 1680 | 450 | INFORMATION TECH | Miscellaneous | \$ | 100 | Under appropriated |
| A | 1680 | 465 | INFORMATION TECH | Equipment < \$5,000 | \$ | 66,800 | Original appropriation in A1680.0250 |
| A | 3120 | 455 | POLICE | Vehicle Expense | \$ | 2,500 | Under appropriated |
| A | 3120 | 840 | POLICE | Workers' Compensation | \$ | 38,500 | Under appropriated |
| A | 3410 | 150 | FIRE | Overtime | \$ | 5,200 | Under appropriated |
| A | 3410 | 440 | FIRE | Fees, Non-employee | \$ | 900 | Under appropriated |
| A | 3410 | 450 | FIRE | Miscellaneous | \$ | 2,300 | Under appropriated |
| A | 3410 | 830 | FIRE | Social Security | \$ | 100 | Under appropriated |
| A | 3410 | 840 | FIRE | Workers' Compensation | \$ | 8,000 | Under appropriated |
| A | 3510 | 810 | CONTROL OF ANIMALS | Employee Retirement | \$ | 100 | No original appropriation |
| A | 3620 | 130 | CODE ENFORCEMENT | Wages | \$ | 100 | Under appropriated |
| A | 3620 | 140 | CODE ENFORCEMENT | Temporary | \$ | 250 | Under appropriated |
| A | 3620 | 170 | CODE ENFORCEMENT | Out of Code | \$ | 750 | Under appropriated |
| A | 3620 | 430 | CODE ENFORCEMENT | Contracted Services | \$ | 7,400 | Under appropriated |
| A | 3620 | 830 | CODE ENFORCEMENT | Social Security | \$ | 100 | Under appropriated |
| A | 5010 | 140 | MUNICIPAL MAINT. | Temporary | \$ | 100 | Under appropriated |
| A | 5010 | 440 | MUNICIPAL MAINT. | Fees, Non-employee | \$ | 400 | Under appropriated |
| A | 5010 | 455 | MUNICIPAL MAINT. | Vehicle Expense | \$ | 10,750 | Under appropriated |
| A | 5010 | 460 | MUNICIPAL MAINT. | Materials and Supplies | \$ | 1,000 | Under appropriated |
| A | 5010 | 810 | MUNICIPAL MAINT. | NYS Retirement | \$ | 2,000 | Under appropriated |
| A | 5010 | 840 | MUNICIPAL MAINT. | Workers' Compensation | \$ | 2,350 | Under appropriated |
| A | 5110 | 410 | MAINT. OF ROADS | Utilities | \$ | 150 | Under appropriated |
| A | 5110 | 455 | MAINT. OF ROADS | Vehicle Expense | \$ | 4,250 | Under appropriated |
| A | 5110 | 810 | MAINT. OF ROADS | NYS Retirement | \$ | 425 | Under appropriated |
| A | 5142 | 455 | SNOW REMOVAL | Vehicle Expense | \$ | 10,500 | Under appropriated |
| A | 5142 | 460 | SNOW REMOVAL | Materials and Supplies | \$ | 1,150 | Under appropriated |
| A | 5142 | 840 | SNOW REMOVAL | Workers' Compensation | \$ | 150 | Under appropriated |
| A | 5184 | 430 | HYDROELECTRIC | Contracted Services | \$ | 25,000 | Under appropriated |
| A | 5186 | 130 | TRAFFIC CONTROL & LIGHTING | Wages | \$ | 100 | Under appropriated |
| A | 5186 | 140 | TRAFFIC CONTROL & LIGHTING | Temporary | \$ | 200 | Under appropriated |
| A | 5186 | 465 | TRAFFIC CONTROL & LIGHTING | Equipment < \$5,000 | \$ | 625 | Under appropriated |
| A | 5630 | 140 | BUS | Temporary | \$ | 100 | Under appropriated |
| A | 5630 | 430 | BUS | Contracted Services | \$ | 600 | Under appropriated |
| A | 5630 | 440 | BUS | Fees, Non-employee | \$ | 225 | Under appropriated |
| A | 5630 | 455 | BUS | Vehicle Expense | \$ | 8,000 | Under appropriated |
| A | 5630 | 460 | BUS | Materials and Supplies | \$ | 500 | Under appropriated |
| A | 5650 | 410 | CITY PARKING FACILITIES | Utilities | \$ | 400 | Under appropriated |
| A | 7020 | 810 | RECREATION ADMIN | NYS Retirement | \$ | 700 | Under appropriated |
| A | 7110 | 430 | THOMPSON PARK | Contracted Services | \$ | 2,900 | Under appropriated |
| A | 7110 | 810 | THOMPSON PARK | NYS Retirement | \$ | 1,375 | Under appropriated |
| A | 7140 | 440 | PLAYGROUNDS | Fees, Non-employee | \$ | 200 | Under appropriated |
| A | 7140 | 810 | PLAYGROUNDS | NYS Retirement | \$ | 100 | Under appropriated |
| A | 7141 | 140 | FAIRGROUNDS | Temporary | \$ | 1,175 | Under appropriated |
| A | 7141 | 150 | FAIRGROUNDS | Overtime | \$ | 2,100 | Under appropriated |
| A | 7141 | 455 | FAIRGROUNDS | Vehicle Expense | \$ | 250 | Under appropriated |
| A | 7141 | 460 | FAIRGROUNDS | Materials and Supplies | \$ | 4,100 | Under appropriated |
| A | 7141 | 465 | FAIRGROUNDS | Equipment < \$5,000 | \$ | 250 | Under appropriated |
| A | 7141 | 810 | FAIRGROUNDS | NYS Retirement | \$ | 100 | Under appropriated |
| A | 7141 | 830 | FAIRGROUNDS | Social Security | \$ | 175 | Under appropriated |

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|--------------|------|-----|--------------------|--------------------------|----|-------------------|--------------------|
| A | 7180 | 150 | SWIMMING POOLS | Overtime | \$ | 700 | Under appropriated |
| A | 7180 | 440 | SWIMMING POOLS | Fees, Non-employee | \$ | 100 | Under appropriated |
| A | 7180 | 460 | SWIMMING POOLS | Materials and Supplies | \$ | 250 | Under appropriated |
| A | 7180 | 810 | SWIMMING POOLS | NYS Retirement | \$ | 150 | Under appropriated |
| A | 7180 | 830 | SWIMMING POOLS | Social Security | \$ | 100 | Under appropriated |
| A | 7265 | 130 | ICE ARENA | Wages | \$ | 1,500 | Under appropriated |
| A | 7265 | 430 | ICE ARENA | Contracted Services | \$ | 2,700 | Under appropriated |
| A | 7265 | 455 | ICE ARENA | Vehicle Expense | \$ | 125 | Under appropriated |
| A | 7265 | 460 | ICE ARENA | Materials and Supplies | \$ | 4,100 | Under appropriated |
| A | 7265 | 465 | ICE ARENA | Equipment < \$5,000 | \$ | 175 | Under appropriated |
| A | 7265 | 810 | ICE ARENA | NYS Retirement | \$ | 1,575 | Under appropriated |
| A | 7265 | 830 | ICE ARENA | Social Security | \$ | 225 | Under appropriated |
| A | 7265 | 840 | ICE ARENA | Workers' Compensation | \$ | 2,650 | Under appropriated |
| A | 8140 | 170 | STORM SEWER | Out of Code | \$ | 100 | Under appropriated |
| A | 8140 | 455 | STORM SEWER | Vehicle Expense | \$ | 4,375 | Under appropriated |
| A | 8140 | 460 | STORM SEWER | Materials and Supplies | \$ | 2,250 | Under appropriated |
| A | 8160 | 455 | REFUSE AND RECYCLE | Vehicle Expense | \$ | 5,375 | Under appropriated |
| A | 8160 | 830 | REFUSE AND RECYCLE | Social Security | \$ | 1,075 | Under appropriated |
| A | 9040 | 800 | OTHER EXPENSES | Workers' Compensation | \$ | 12,550 | Under appropriated |
| A | 9710 | 600 | OTHER EXPENSES | Serial Bonds - Principal | \$ | 30,500 | Under appropriated |
| TOTAL | | | | | | <u>\$ 320,100</u> | |

| | | | | <u>Decrease</u> | | | |
|--------------|------|-----|---------------------|-------------------------|----|---------------------|--|
| A | 1364 | 430 | PROPERTY ACQUIRED | Contracted Services | \$ | (28,000) | |
| A | 1440 | 110 | ENGINEERING | Salaries | \$ | (38,000) | |
| A | 1440 | 130 | ENGINEERING | Wages | \$ | (12,000) | |
| A | 1490 | 410 | PUBLIC WORKS ADMIN | Utilities | \$ | (8,500) | |
| A | 1490 | 430 | PUBLIC WORKS ADMIN | Contracted Services | \$ | (7,400) | |
| A | 1620 | 410 | MUNICIPAL BUILDINGS | Utilities | \$ | (7,500) | |
| A | 1620 | 430 | MUNICIPAL BUILDINGS | Contracted Services | \$ | (7,300) | |
| A | 1680 | 250 | INFORMATION TECH | Other Equipment | \$ | (59,500) | |
| A | 1680 | 430 | INFORMATION TECH | Contracted Services | \$ | (7,400) | |
| A | 3120 | 150 | POLICE | Overtime | \$ | (16,000) | |
| A | 3120 | 810 | POLICE | NYS Retirement | \$ | (10,000) | |
| A | 3410 | 410 | FIRE | Utilities | \$ | (10,000) | |
| A | 3410 | 430 | FIRE | Contracted Services | \$ | (20,000) | |
| A | 3410 | 455 | FIRE | Vehicle Expense | \$ | (20,000) | |
| A | 3410 | 820 | FIRE | Fire Retirement System | \$ | (14,000) | |
| A | 8020 | 430 | PLANNING | Contracted Services | \$ | (27,000) | |
| A | 9710 | 700 | OTHER EXPENSES | Serial Bonds - Interest | \$ | (27,500) | |
| TOTAL | | | | | | <u>\$ (320,100)</u> | |

WATER FUND

| | | | | <u>Increase</u> | | | |
|---|------|-----|----------------------|---------------------|----|-------|--------------------|
| F | 8310 | 110 | WATER ADMINISTRATION | Salaries | \$ | 9,650 | Under appropriated |
| F | 8310 | 120 | WATER ADMINISTRATION | Clerical | \$ | 1,275 | Under appropriated |
| F | 8310 | 410 | WATER ADMINISTRATION | Utilities | \$ | 100 | Under appropriated |
| F | 8310 | 430 | WATER ADMINISTRATION | Contracted Services | \$ | 6,450 | Under appropriated |
| F | 8310 | 440 | WATER ADMINISTRATION | Fees, Non-employee | \$ | 675 | Under appropriated |
| F | 8310 | 450 | WATER ADMINISTRATION | Miscellaneous | \$ | 200 | Under appropriated |
| F | 8310 | 830 | WATER ADMINISTRATION | Social Security | \$ | 350 | Under appropriated |

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|--------------|------|-----|-------------------------|--------------------------|----|----------------|--------------------------------|
| F | 8320 | 465 | SUPPLY, POWER & PUMPING | Equipment < \$5,000 | \$ | 15,000 | Under appropriated |
| F | 8330 | 410 | WATER PURIFICATION | Utilities | \$ | 8,625 | Under appropriated |
| F | 8330 | 460 | WATER PURIFICATION | Materials and Supplies | \$ | 8,100 | Under appropriated |
| F | 8340 | 455 | TRANSMISSION & DISTRIB. | Vehicle Expense | \$ | 350 | Under appropriated |
| F | 9040 | 800 | OTHER EXPENSES | Worker's Compensation | \$ | 1,875 | Under appropriated |
| F | 9710 | 600 | OTHER EXPENSES | Serial Bonds - Principal | \$ | 1,500 | Under appropriated |
| F | 9950 | 900 | OTHER EXPENSES | Transfer to Capital Fund | \$ | <u>109,000</u> | To pay down Riggs Ave. project |
| TOTAL | | | | | \$ | <u>163,150</u> | |

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|--------------|------|-----|-------------------------|------------------------|----|------------------|--|
| | | | | <u>Decrease</u> | | | |
| F | 8320 | 430 | SUPPLY, POWER & PUMPING | Contracted Services | \$ | (36,000) | |
| F | 8330 | 130 | WATER PURIFICATION | Wages | \$ | (10,000) | |
| F | 8330 | 430 | WATER PURIFICATION | Contracted Services | \$ | (5,000) | |
| F | 8340 | 130 | TRANSMISSION & DISTRIB. | Wages | \$ | (8,000) | |
| F | 8340 | 150 | TRANSMISSION & DISTRIB. | Overtime | \$ | (7,150) | |
| F | 8340 | 430 | TRANSMISSION & DISTRIB. | Contracted Services | \$ | (8,000) | |
| F | 8340 | 460 | TRANSMISSION & DISTRIB. | Materials and Supplies | \$ | (15,000) | |
| F | 8340 | 465 | TRANSMISSION & DISTRIB. | Equipment < \$5,000 | \$ | <u>(74,000)</u> | |
| TOTAL | | | | | \$ | <u>(163,150)</u> | |

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|-------------------|------|-----|------------------------|--------------------------|----|----------------|--------------------------------|
| | | | | <u>Increase</u> | | | |
| SEWER FUND | | | | | | | |
| G | 8110 | 410 | SEWER ADMINISTRATION | Utilities | \$ | 100 | Under appropriated |
| G | 8110 | 430 | SEWER ADMINISTRATION | Contracted Services | \$ | 6,000 | Under appropriated |
| G | 8110 | 440 | SEWER ADMINISTRATION | Fees, Non-employee | \$ | 750 | Under appropriated |
| G | 8110 | 450 | SEWER ADMINISTRATION | Miscellaneous | \$ | 350 | Under appropriated |
| G | 8120 | 170 | SANITARY SEWER | Out of Code | \$ | 200 | Under appropriated |
| G | 8120 | 455 | SANITARY SEWER | Vehicle Expense | \$ | 2,000 | Under appropriated |
| G | 8120 | 465 | SANITARY SEWER | Equipment < \$5,000 | \$ | 2,800 | Under appropriated |
| G | 8130 | 430 | TREATMENT AND DISPOSAL | Contracted Services | \$ | 33,500 | Under appropriated |
| G | 9040 | 800 | OTHER EXPENSES | Worker's Compensation | \$ | 1,350 | Under appropriated |
| G | 9065 | 800 | OTHER EXPENSES | Medicare Reimbursements | \$ | 625 | Under appropriated |
| G | 9710 | 600 | OTHER EXPENSES | Serial Bonds - Principal | \$ | 1,100 | Under appropriated |
| G | 9950 | 900 | OTHER EXPENSES | Transfer to Capital Fund | \$ | <u>52,000</u> | To pay down Riggs Ave. project |
| Total | | | | | \$ | <u>100,775</u> | |

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|-------|------|-----|------------------------|------------------------|----|------------------|--|
| | | | | <u>Decrease</u> | | | |
| G | 8130 | 130 | TREATMENT AND DISPOSAL | Wages | \$ | (17,000) | |
| G | 8130 | 150 | TREATMENT AND DISPOSAL | Overtime | \$ | (6,000) | |
| G | 8130 | 250 | TREATMENT AND DISPOSAL | Other Equipment | \$ | (26,775) | |
| G | 8130 | 410 | TREATMENT AND DISPOSAL | Utilities | \$ | (21,000) | |
| G | 8130 | 460 | TREATMENT AND DISPOSAL | Materials and Supplies | \$ | (25,000) | |
| G | 8130 | 810 | TREATMENT AND DISPOSAL | NYS Retirement | \$ | <u>(5,000)</u> | |
| Total | | | | | \$ | <u>(100,775)</u> | |

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|---------------------|------|-----|---------|------------------------|----|--------|--------------------|
| | | | | <u>Increase</u> | | | |
| LIBRARY FUND | | | | | | | |
| L | 7410 | 410 | LIBRARY | Utilities | \$ | 300 | Under appropriated |
| L | 7410 | 430 | LIBRARY | Contracted Services | \$ | 14,675 | Under appropriated |
| L | 7410 | 460 | LIBRARY | Materials and Supplies | \$ | 1,275 | Under appropriated |
| L | 7410 | 465 | LIBRARY | Equipment < \$5,000 | \$ | 1,400 | Under appropriated |

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|-------|------|-----|----------------|--------------------------|----|---------------|---------------------------|
| L | 7410 | 840 | LIBRARY | Worker's Compensation | \$ | 125 | No original appropriation |
| L | 9040 | 800 | OTHER EXPENSES | Worker's Compensation | \$ | 650 | Under appropriated |
| L | 9710 | 600 | OTHER EXPENSES | Serial Bonds - Principal | \$ | <u>2,000</u> | Under appropriated |
| Total | | | | | \$ | <u>20,425</u> | |

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|-------|------|-----|----------------|--------------------------|----|-----------------|--|
| | | | | | | <u>Decrease</u> | |
| L | 7410 | 410 | LIBRARY | Utilities | \$ | 300 | |
| L | 7410 | 430 | LIBRARY | Contracted Services | \$ | 14,675 | |
| L | 7410 | 460 | LIBRARY | Materials and Supplies | \$ | 1,275 | |
| L | 7410 | 465 | LIBRARY | Equipment < \$5,000 | \$ | 1,400 | |
| L | 7410 | 840 | LIBRARY | Worker's Compensation | \$ | 125 | |
| L | 9040 | 800 | OTHER EXPENSES | Worker's Compensation | \$ | 650 | |
| L | 9710 | 600 | OTHER EXPENSES | Serial Bonds - Principal | \$ | <u>2,000</u> | |
| Total | | | | | \$ | <u>20,425</u> | |

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|---|------|-----|------------------------|---------------------|----|-----------------|--------------------|
| <u>SELF FUNDED HEALTH INSURANCE FUND</u> | | | | | | <u>Increase</u> | |
| MS | 1710 | 430 | SELF FUNDED HEALTH INS | Contracted Services | \$ | <u>250</u> | Under appropriated |
| | | | | | \$ | <u>250</u> | |

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|----|------|-----|------------------------------|------|----|-----------------|--|
| | | | | | | <u>Decrease</u> | |
| MS | 1710 | 440 | SELF FUNDED HEALTH INSURANCE | Fees | \$ | <u>(250)</u> | |
| | | | | | \$ | <u>(250)</u> | |

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown desires to work with Loomacres Wildlife Management regarding professional services to help alleviate the nuisance of crows within the City and to administer a crow dispersal program, and

WHEREAS the City of Watertown has an urban crow roost that is a threat to human health and safety, causes damage to buildings and cars and results in associated clean up costs, and

WHEREAS, Loomacres Wildlife Management uses multiple hazing methods including distress calls, pyrotechnics, remote controlled aircraft, and lasers with the objective of reducing winter crow roosts, and

WHEREAS by using this strategy, the crows should relocate to an alternative, more suitable roosting site, reducing local conflicts associated with an urban crow roost, and

WHEREAS, the City of Watertown has prepared an Agreement, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and Loomacres Wildlife Management to establish and administer a crow dispersal program, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yeas

Introduced by Council Member Jeffrey M. Smith

WHEREAS Patrick Currier of Aubertine & Currier has made an application on behalf of First Church of the Nazarene for approval of a site plan for the construction of 31-space parking lot expansion located at 535 Thompson Boulevard, parcel 12-13-117.009, and

WHEREAS the applicant submitted revised plans on October 3, 2011, and

WHEREAS the Planning Board of the City of Watertown reviewed the revised site plan at its meeting held on October 4, 2011, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The applicant shall submit Drainage Area Maps to the City Engineer, showing both existing and proposed conditions.
2. In order to assure that the existing trees that are shown to be saved survive the construction process, the applicant shall ensure that the contractor installs construction fencing or another appropriate barrier around the drip edge of each of the trees.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming

the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Patrick Currier of Aubertine & Currier on behalf of First Church of the Nazarene for approval of a site plan for the construction of a 31-space parking lot expansion located at 535 Thompson Boulevard, parcel 12-13-117.009, as shown on the site plan submitted to the City Engineer on September 20, 2011, and revised on October 3, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Introduced by Council Member Roxanne M. Burns

WHEREAS Patrick Currier of Aubertine & Currier has made an application on behalf of the Morgia Group for approval of a site plan for the construction of a 3,490 square foot office building and parking lot located at 151 Mullin Street, parcel 10-15-115, and

WHEREAS the applicant submitted revised plans on October 3, 2011, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on October 4, 2011, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The applicant shall obtain a General City Permit for all work to be performed in the City's right-of-way.
2. If the applicant installs roof leaders or gutters on the proposed building, they must discharge to the rear yard.
3. The applicant shall adjust the grading of the proposed parking lot to direct runoff to the southeast, rather than the southwest as currently depicted.

4. As an ongoing and continued requirement of site plan approval, the applicant shall maintain the existing vegetated buffer and stockade fencing adjacent to all residentially zoned properties.
5. The applicant shall ensure that construction fencing or another appropriate barrier is installed around the drip edge of each of the trees located in the front yard and around all trees in areas of the rear yard comprising the required landscaped buffer zone.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Patrick Currier of Aubertine & Currier on behalf of the Morgia Group for approval of a site plan for the construction of a 3,490 square foot office building and parking lot located at 151 Mullin Street, parcel 10-15-115, as shown on the site plan submitted to the City Engineer on September 20, 2011, and revised on October 3, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City's Purchasing Department has advertised for sealed bids for the purchase of a prefabricated restroom facility for installation at Marble Street Park as part of the Bicentennial Park and Marble Street Park Improvements Project, and

WHEREAS plans and specifications were issued to ten (10) prospective bidders, with one (1) bid being received and publicly opened and read in the City Purchasing Department on Tuesday, September 27, 2011, at 11:00 a.m., and

WHEREAS City Purchasing Agent Amy M. Pastuf and City Planner Michael A. Lumbis have reviewed the bid and are recommending that it be rejected as it was significantly over the estimated construction budget, and

WHEREAS City Staff will move forward with the project by redesigning the facility in house for the construction of a site built facility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York rejects the bid of \$94,471.00 submitted by United Concrete Products, Inc. of Yalesville, CT, for the purchase of a prefabricated restroom facility.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Prior to the vote on the foregoing resolution, Council Member Butler asked if the price of the prefabricated restrooms went up by a significant amount or was this project underestimated. He remembers Council having a lengthy discussion in regards to this and it was decided that the prefabricated restroom was the better decision.

Michael Lumbis, City Planner, stated that the company that submitted the bid is quite a distance away. He wondered if the increase in price was due to the delivery expenses. In addition, he commented that only one bid was received which might have caused the company to come in a little higher. He noted that it was originally decided to go with the prefabricated design but since the bid was so high, he investigated the project being done by local contractors.

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS on August 16, 2010, the City Council of the City of Watertown approved a bid submitted by D² Dewatering Services, Inc. of Wall New Jersey, in the amount of \$87,750.00 for labor and material to dredge the Water Treatment Plant's coagulation basin located on Eastern Boulevard, and

WHEREAS Water Superintendent Gary E. Pilon has submitted Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$17.76, bringing the contract amount to \$87,767.76,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with D2 Dewatering Services, Inc. for labor and material to dredge the Water Treatment Plant's coagulation basin located on Eastern Boulevard, in the amount of \$17.76, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea except for Council Member Joseph M. Butler, Jr. and Council Member Jeffrey M. Smith voting nay.

Prior to the vote on the foregoing resolution, Council Member Smith remarked that the contract allowed for the contractor to renegotiate the price and the quote was based on the estimated amount of sludge. He stated that he did not think it was fair to increase the cubic yard unit price because they dredged out less than the estimate and he wondered if they would have lowered the price if they had dredged out more than estimated.

Gary Pilon, Water Superintendent, responded that this is the problem with unit pricing. He stated that when a lump sum contract is used then the contractor would need to come and look at the basin. He did mention that the City has used the same contract language for years and the last two times, the price has been renegotiated because the estimates have been low. He pointed out that a polymer was added and it concentrated the sludge causing the estimate to be low.

Council Member Smith pointed out that this process insulates the contractor from risk.

Mr. Pilon suggested that the City might need to rethink the contract next time this is needed.

Council Member Smith questioned if there is another way to measure.

Mr. Pilon responded that it depends on the type of dredging used and drying time. He noted that this contractor used a different kind of cutter that was more efficient.

Council Member Butler confirmed that the City estimated 20,000 cubic yards but the contractor only took out 12,000 cubic yards. He also stated that the contract does not mandate a renegotiation but only allows a request to be made.

Mr. Pilon noted that the contract states there can be negotiation if there is a 25 % difference either way.

Council Member Butler asked how the negotiation process is started.

Mr. Pilon answered that the contractor submitted a letter requesting the renegotiation to recoup the expected amount of money that was to be made. He explained that the contractor submitted a quote based on what he needed to make to cover his cost and make profit.

Council Member Butler pointed out that the mobilization expense would be the same. He questioned if the contractor spent half as much time taking out 12,000 cubic yards versus 20,000 or if the process requires the same amount of time.

Mr. Pilon replied that he was not sure and noted that the consistency of sludge this time was different than last time. In addition, he pointed out that the City waited an extra year this time and it was dredged after 5 years instead of 4 years. He mentioned that this extra time could have affected the settling process.

Council Member Smith suggested that something should be negotiated in the City's favor as well.

Mr. Pilon pointed out that this contractor originally did not bid on this project but was referred by another contractor.

Council Member Smith commented that the contractor's mobilization cost should have been covered. He stated that if the contractor dredged out less than anticipated and was more efficient, then his expenses should be less because he did not spend as much time doing project. He questioned why the City should incur this extra cost.

Mr. Pilon responded that he did not know all the expenses of the contractor but suggested that fuel costs have increased. He told Council that this is their decision and he just submitted his recommendation.

Attorney Slye explained the bid process on this project in which the City estimates how much will be excavated. He further explained that the contractor submits a bid based on work entailed for that volume. He stated that in addition to the mobilization costs, the contractor has to

consider the jobs that he might turn away due to this project. He commented that the contract states the contractor is entitled to an equitable adjustment. He noted that the contractor is asking for an equitable adjustment for the full amount but he suggested that another amount could be negotiated. He also pointed out that this contractor was the only bidder and there are not a lot of companies willing to travel to Watertown to perform this work. He said that this contractor is entitled to make the money that they thought they were going to make.

Council Member Butler asked if City should pay by a lump sum contract process.

Attorney Slye responded that he has no objections to the lump sum contract but the unit price has always worked well in the past. He added that a lump sum contract relies on the quote for estimation to be accurate. He explained that if the estimate is wrong, then there is a material change in the scope of the work. He clarified that the material change in the scope of work is defined in this contract as 25%.

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown owns a water supply system, which it operates for the purpose of supplying the City and its inhabitants with water, and

WHEREAS the City has excess capacity to produce and transport water in excess of its own needs, and

WHEREAS the Town of Hounsfield Water Districts have requested the right to draw water from the City System for use in the Districts as they currently exist and as they may be extended and expanded during the term of the Agreement, and

WHEREAS the City may, pursuant to Section 20 of the General City Law of the State of New York and General Municipal Law Sections 118 and 118(a), enter into an agreement with the Districts for the right to make connections to the City System for the purpose of drawing water there from and the City may set the prices so long as such action will not render the supply of water for the City or its inhabitants insufficient, and

WHEREAS an Agreement has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for the Provision of the Sale of Water Service Between the City of Watertown and the Town of Hounsfield for Water Districts No. 2, 5, and 6, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea except for Council Member Jeffrey M. Smith voting nay,

Prior to the vote on the foregoing resolution, Council Member Smith stated that \$37 is the uniform rate and inquired about the lowest tier.

Mrs. Corriveau responded that the lowest tier is \$37.

Council Member Smith reminded Council that the goal was to have a premium for water outside the city.

Mrs. Corriveau stated that this contract matches the contract the City has with the Town of Watertown and when the Town of Watertown's rate changes, this rate will follow that change. She noted that both townships will be charged the same amount at the same time.

Council Member Smith stated that the premium was to be similar to the process for sewer and wondered why the premium was not stated now.

Mrs. Corriveau responded that would cause one township to be charged more than another township for the same service.

Council Member Smith noted that this is a new contract and would be a good time to implement the premium.

Mrs. Corriveau replied that the contract language for the rate stated that it would be the same rate as the Town of Watertown.

Council Member Burns asked when the rate for the Town of Watertown would increase.

Mrs. Corriveau answered the rate increase for Town of Watertown is to go into effect in 2013. She indicated that this would be the end of the first three year cycle and they have already been notified that rates will be renegotiated.

Council Member Burns confirmed that in two years the rate with be renegotiated for the Town of Watertown and then applied to the Town of Hounsfield. She also remarked that Council had already decided on a percentage that was going to be negotiated.

Mayor Graham replied that the percentage was 20%.

Introduced by Council Member Teresa R. Macaluso

WHEREAS ten years ago, the City of Watertown entered into a Lease Agreement for the development of a public parking lot at 250-270 State Street, and

WHEREAS this parking lot is highly utilized by business and residents of lower State Street, and

WHEREAS the City continues to desire to lease 250-270 State Street for use as a public parking lot,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Lease Agreement for 250-270 State Street, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby authorizes and directs City Manager Mary M. Corriveau to execute the Lease Agreement on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea

Prior to the vote on the foregoing resolution, Council Member Butler asked if the current payment was \$1,900.

Mrs. Corriveau replied that the current payment is \$1,900 and that it is the same amount that has been paid the last 10 years. She clarified that the new contract is based on a five year term and the annual payment starts at \$2,500 and increases \$100 each year.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown, New York, has before it Local Law No. 3 of 2011 which will amend the City Charter by re-describing the boundaries of the City, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Local Law will constitute such an “Action,”
and

WHEREAS the City Council has determined that the proposed Local Law is an “Unlisted
Action” as that term is defined by 6NYCRR Section 617.2(ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed Local
Law will have a significant effect on the environment, Part I of a Short Environmental
Assessment Form has been prepared, a copy of which is attached and made part of this
resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown,
New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and
comparison of the proposed action with the criteria set forth in 6NYCRR Section
617.7, no significant impact is known and the adoption of Local Law No. 3 of
2011 will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part III of the
Environmental Assessment Form to the effect that the City Council is issuing a
Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

LOCAL LAW

**The Local Law No. 3 of 2011 - Amending Section 2 of the Watertown City Charter Re-
Describing the Boundaries of the City of Watertown”. (Introduced on October 3, 2011;
appears in its entirety on page 259-264 of the 2011 Minutes Book).**

**At the Call of the Chair, vote was taken on the foregoing Local Law and carried with all
voting yea.**

** **

Council discussed the following topics:

138 Court Street

Mayor Graham stated Council addressed this issue at the last council meeting and it was decided to not enter into a private sale at this time. He asked if Council should return the check submitted by Attorney Andrew Capone on behalf of his client Alex D. Rahmi because no action is anticipated at this time.

Attorney Slye read the offer letter submitted with the check to Council.

Mayor Graham commented that Council can only approve things through resolutions, ordinances or local law and one of those are not in front of the Council on this matter at this time. He suggested the check be returned until Council can determine the disposition of this property.

Council Member Smith and Council Member Burns agreed with returning the check to Andrew Capone.

Sales Tax Revenue – First Quarter Fiscal Year 2011-12

Mayor Graham reviewed the memo on the Sales Tax Revenue for the First Quarter Fiscal Year 2011-12. He stated that it continues to indicate an upward trend.

Board and Commission Appointments

Mayor Graham reviewed the list of upcoming vacancies for the Board and Commission appointments. He stated that Council needs to determine if the individuals want to continue with their current appointments.

Council Member Burns asked if staff should contact all of the members and determine their intention for reappointment.

Mayor Graham mentioned that he will speak to Ms. Gray since this appointment is chosen by the mayor. He suggested Council should contact the members of the CAPC and Board of Ethics. He asked if Code Enforcement could look into the Plumbing Board appointment.

Fence Zoning Amendment

Kenneth Mix, Planning Coordinator, reviewed the Fencing Zoning Amendment memo and the Draft Fence Zoning Amendment. He stated the main concern brought up at the work session was the visibility of driveways. He mentioned that the different options included lowering the

height, reducing the spacing to see through, setbacks from the driveway and sidewalks, creating a triangular area with a step-down effect or not allowing front yard fencing. He said that once Council makes a decision, he needs to ensure that nothing conflicts with each other.

Mayor Graham stated that not many front yard fences add a lot to the view of a given street. He agrees that reducing the height, using setbacks and creating a triangular area are good options. He added that Council might not want to allow front yard fences.

Council Member Macaluso remarked that she does not think Council should not allow front yard fences.

Council Member Smith mentioned a front yard fence on Washington Street constructed from wrought iron and stated that it is aesthetically nice while maintaining visibility.

Council Member Burns agreed that wrought iron is aesthetically pleasing and does not block any view. She agreed with the Mayor in that front yard fences are not good for a City setting but does not want to infringe on property owners' rights. She would like to see all of Council's suggestions go to the Planning Board for review and get their recommendation.

Mayor Graham asked if Council is trending towards lower heights or setbacks. He stated that he is not comfortable with fences going right up to sidewalks or property lines.

Council Member Smith agreed that there needs to be setbacks but his concern is that property owners will not want to give up that much of their property on the other side of the fence.

Mr. Mix confirmed for Mayor Graham that structures need to be 5 feet from the property line in the side yard and 3 feet from the property line in the back yard.

Council Member Butler commented on section H that states no fence can be located less than 3 feet from a neighbor's driveway or a shared driveway. He stated this would make a lot of fences impossible. He said it is unrealistic for Council to require this section.

Mr. Mix pointed out to Council that it is difficult to consider every situation because there will always be exceptions to the typical situation.

Council Member Butler commented that safety is the most important issue that has been brought to Council's attention. He stated that the wrought iron fence on Washington Street is more than 80% transparency. He suggested that a better view will come from increasing the transparency regardless of the height, type of corner or angle of the fence. He is in favor of increasing the transparency requirement to 80% which would limit the type of fence material available.

Mr. Mix clarified that chain link fences are allowed.

Council Member Smith asked if the ordinance could state that a review board could decide on a case that is an exception to the usual situation.

Attorney Slye responded that the Code Department needs to follow statues that Council sets forth. He stated that variances should be requested through the Zoning Board of Appeals.

Mayor Graham asked if the consensus of Council is to not allow chain link fences in the front yard.

Council Member Smith stated that commercial and heavy industry zones should be allowed to install chain link fences.

Council Member Burns stated she does not like chain link fences in residential areas.

Council Member Macaluso pointed out that if the transparency is limited to 80%, there are not many choices for containing animals.

Mayor Graham said that fences need to be setback at least 3 feet especially during winter months.

Council Member Butler suggested having the option of a 80% transparent fence or a 3 foot fence with a setback and 50% transparency. He mentioned that this option should help the homeowner trying to contain a small animal.

Mr. Mix defined the street line as the lot line that divides the property from the street. He stated that usually the property line is the edge of the sidewalk or a line closer to the house. He further clarified the front yard is anything in front of a line from the front edge of the house to the side property line, the back yard is anything behind a line from the back edge of the house to the side property line and the side yard is the area in between the two lines.

Mayor Graham commented that homeowners have a right to privacy in their back yard but a front yard fence typically is not for privacy and more for decoration or containing a animal. He advised that Council's suggestions should go to the Planning Board.

Mrs. Corriveau asked if Council wants to change the transparency from 33% to 50%.

Council Member Smith replied that 50% transparency should only be allowed with setbacks.

Mayor Graham asked if the Code Department sees a safety issue, should they be allowed to make additional requirements for the homeowner.

Council Member Macaluso does not agree with Mayor Graham and stated that the Code Department needs to follow standards to avoid future complaints.

Attorney Slye stated that the proposed situation relies on judgment calls and this should not be left up to an individual Codes Officer.

Mrs. Corriveau advised Council that the proximity of the tree caused concern with the Haley Street fence as well. She wondered if this issue should be addressed when reviewing the language of the amendment.

Council Member Smith asked if the code could deal with the transparency of the driveway in addition to the transparency of the fence if an object is in close proximity.

Council Member Burns suggested that this be added to the issues being given to the Planning Board.

Council Member Butler pointed out that the tree will grow and the diameter will constantly be increasing.

Mrs. Corriveau clarified that if there is a tree in close proximity should it at least be considered prior to approving the fence.

Mayor Graham asked Mr. Mix to relay everything that was discussed to the Planning Board for the November 1st meeting.

Library Parking

Council Member Butler noted that there is no walkway between the City Parking lot and the Library Parking Lot. He commented that due to the slope, the City should built steps and a walkway to connect the two parking lots.

Mayor Graham agreed a stairway with handles is a good suggestion.

Intersection of Franklin Street and South Pleasant and the Intersection of South Meadow and Arsenal

Council Member Macaluso pointed out that these intersections are very difficult in the winter. She mentioned that several cars slide off to the side and need to be pushed out. She asked if this could be reviewed.

Parking Lot of Brew Ha Ha

Council Member Macaluso wanted to point out that the City did not pave the driveway at her coffee shop.

Regional Economical Development Council

Mayor Graham advised Council that the website for the Regional Economical Development Council has a lot of useful information and should be reviewed. He asked for the status of the list of projects and application process.

Mrs. Corriveau stated that Mr. Nelson was asked last week to start working on this process for the arena.

Mayor Graham pointed out that the projects should be related to job impacts and need to be a water tight plan.

Mrs. Corriveau responded this is only a report and there is no engineering behind it. She is not sure if this is the type of thing that can be executed in a year.

Mayor Graham reiterated that the arena seemed to be the best project in the works and it has an economical impact. He also mentioned that there are not any private sector proposals.

Mrs. Corriveau clarified that there are some private sector and not-for-profit organizations in the area that are putting proposals together.

Mayor Graham stated that the City needs to work on getting something to put forward and noted that the arena is still the best project.

Mrs. Corriveau stated that the library project should be an option since it is already underway.

Mayor Graham commented that guidance should come from the agencies that are working with this regularly.

Mrs. Corriveau asked if Council can adjourn to the next meeting incase she has a resolution in place for the arena. She also stated that she has a not-for-profit organization that needs a resolution.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:33 P.M. by motion of Council Member Joseph M. Butler, Jr., Seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ann M. Saunders
Deputy City Clerk